IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14963 of 2004

Between:

1. M.S. Ramulu Yadav,

S/o Ilaiah
R/o. 6-400, Manikynagar,

HMT Chintal, R.R. District
2. Shanker, S/o Veeraswamy
R/o 7-12- Amloathnagar,

HMT Chintal, Ranga Reddy District

.. PETITIONERS

AND

1. The Commissioner of Municipality,

Quthabullapur Quthabullapura Mandal,

Ranga Reddy District
2. K.M. Gowrish,

S/o K. Manikyam
R/o. Chintal, Qutubullapur Quthubullapur Mandal,

Ranga Reddy District

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or directions more particularly one in nature of Writ of Mandamus

directing the respondents more particularly the 1st respondent to consider the representation dated 10-7-2003 consequently directing the 1st respondent to take action under section 17 of A.P. Municipality Act 1965 by declaring the in action of the respondent No.1 in not considering the representation dated 10-7-2003 arbitrary, illegal and violation of the principles of natural justice.

Counsel for the Petitioners: MR.G.PRASANTHA RAO

Counsel for the Respondent No.1: MR.R.TIMMA REDDY

Counsel for the Respondent No.2: G.Venkateswara Rao

The Court made the following:

ORAL ORDER:

Heard the learned counsel for the petitioners, Sri Thimma Reddy, learned counsel appearing for R-1. and Sri G.Venkateswar Rao, learned counsel appearing for R-2.

Complaining that the second respondent incurred disqualification to the post of Councilor of Ward No.8 of Quthbullapur Municipality for his having more than two children, some voters of Qutubullapur Municipality filed a representation dated 10-7-2003 to the Commissioner. Since no enquiry is conducted in the manner prescribed to disqualify the second respondent, even after one year, the petitioners moved this court.

In view of the fact that representation dated 10-7-2003 said to have been filed by the petitioners and others is pending with the first respondent, it is appropriate to direct the first respondent to consider the representation dated 10-7-2003 after due enquiry into the mater by issuing necessary notice to the concerned parties who are likely to be affected and take a decision on the said representation within a period of three months from the date of receipt of a copy of the order and communicate the result of the representation to the petitioners.

The writ petition is accordingly disposed of. No costs.

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A.GOPAL REDDY,J

Dt. 31-8-2004

Lsk/kmr

To

1. The Commissioner of Municipality,

Quthabullapur Quthabullapura Mandal,

Ranga Reddy District
2. Two C.D. copies.